

# ARCHITECTS SECTION MEETING

## MINUTES

The Architects Section of the Virginia Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects (APELSCIDLA Board) met on July 27, 2011, at the Department of Professional and Occupational Regulation, 9960 Mayland Drive, Richmond, Virginia, with the following members present:

James R. Boyd  
J. Everette Fauber III  
Michael F. LeMay

Staff present for all or part of the meeting were:

Gordon N. Dixon, Director  
Kathleen R. Nosbisch, Executive Director  
Marian Brooks, Board Administrator  
Justin Garofalo, Board Administrator  
Amy Goobic, Administrative Assistant  
Earlyne Perkins, Legal Analyst

Mr. Boyd, Chair, called the meeting to order at 9:02 a.m.

### **Call to Order**

Mr. Boyd advised the Section of the emergency evacuation procedures.

### **Emergency Evacuation Procedures**

Mr. LeMay moved to approve the agenda. Mr. Fauber seconded the motion which was unanimously approved by members: Boyd, Fauber and LeMay.

### **Approval of Agenda**

Mr. Clifton Strickland, III, Architect, was present to address the Section. Mr. Strickland expressed concerns he has with NCARB, specifically the BEA (Broadly Experienced Architect) program. Mr. Strickland stated that as he was working through the required experience for the BEA, he was not informed of the changes that were being made to the BEA program; in addition he stated that NCARB lost his documentation of 13 years. Mr. Strickland also stated that he feels the BEA program fee of \$5,000.00 is too much, and that the 30 page application is too cumbersome.

### **Public Comment Period**

Mr. Duncan Abernathy, Virginia AIA, was present to address the Section. Mr. Abernathy posed the question "What is the definition of 'offering to practice'?" Mr. Abernathy explained that he received a letter from Nick Christner, Deputy Director, Compliance and Investigations, in response to a complaint he filed on a local business that had an architect business license, but no licensed architect. Mr. Christner's letter stated that there was not sufficient evidence that the board's regulations had been violated and the case was closed. Mr. Abernathy feels that the investigator on the complaint, did not realize that the law allows the Board to cite and fine non-regulants that offer to practice. Mr. Abernathy asked if there would be any change to the investigation process, and allow a board member to review complaints of unlicensed practice.

Ms. Nosbisch explained that the board members would not have the time to review every complaint, which is why the agency uses investigators. However, investigators do contact a board member if they need technical assistance.

Mr. Boyd stated that he would like to revisit the topic under 'other business.'

Regarding **File Number 2011-03356, Anthony J. Bayus**, the Section members reviewed the Consent Order as seen and agreed to by Mr. Bayus. Mr. Fauber moved to recommend the Board accept the Consent Order which cites the following violation of the Board's regulations: 18VAC10-20-750.C (Count 1 – two violations). For these violations, Mr. Bayus agrees to the following monetary penalty: no monetary penalty for the violations contained in Count 1 and Board costs in the amount of \$150.00, for a total of \$150.00. Mr. LeMay seconded the motion which was approved by members: Fauber and LeMay. As the presiding board member, Mr. Boyd was not present for the discussion or vote.

**File Number 2011-03356, Anthony J. Bayus**

Regarding **File Number 2011-03341, Carl William Lagoni**, the Section members reviewed the Consent Order as seen and agreed to by Mr. Lagoni. Mr. Fauber moved to recommend the Board accept the Consent Order which cites the following violations of the Board's regulations: 18VAC10-20-750.B (Count 1); and 18VAC10-20-750.C (Count 2-two violations). For these violations, Mr. Lagoni agrees to the following monetary penalties: no monetary penalty for the violation contained in Count 1; \$500 for the violations contained in Count 2; and Board costs in the amount of \$150.00, for a total of \$650.00. Mr. LeMay seconded the motion which was approved by members: Fauber and LeMay. As the presiding board member, Mr. Boyd was not present for the discussion or vote.

**File Number 2011-03341, Carl William Lagoni**

Regarding **File Number 2011-04897, Philip Silvestri**, the Section members reviewed the record of the Informal Fact-Finding Conference, which consisted of the application file, transcripts and exhibits and the summary and recommendation of the presiding Board member. Mr. LeMay moved to recommend the Board accept the recommendation of the presiding Board member and approve Mr. Silvestri's application for licensure by comity with the condition that Mr. Silvestri complete three (3) hours of continuing education covering the topic of ethics and will complete these hours and submit proof of completion to the Board within six (6) months of execution of his comity license. Mr. Fauber seconded the motion which was unanimously approved by members: Boyd, Fauber and LeMay.

**File Number 2011-04897, Philip Silvestri**

Regarding **File Number 2011-04898, Wayne Gregory**, the Section members reviewed the record of the Informal Fact-Finding Conference, which consisted of the application file, transcripts and exhibits and the summary and recommendation of the presiding Board member. Mr. Fauber

**File Number 2011-04898, Wayne Gregory**

moved to recommend the Board accept the recommendation of the presiding Board member and approve Mr. Gregory's application for licensure by comity with the condition that Mr. Gregory complete three (3) hours of continuing education covering the topic of ethics and will complete these hours and submit proof of completion to the Board within six (6) months of execution of his comity license. Mr. LeMay seconded the motion which was unanimously approved by members: Boyd, Fauber and LeMay.

Regarding **File Number 2011-04899, John Zona**, the Section members reviewed the record of the Informal Fact-Finding Conference, which consisted of the application file, transcripts and exhibits and the summary and recommendation of the presiding Board member. Mr. LeMay moved to recommend the Board not accept the recommendation of the presiding Board member and deny Mr. Zona's application for reinstatement of his Virginia Architect license. Mr. Fauber seconded the motion which was unanimously approved by members: Boyd, Fauber and LeMay.

**File Number 2011-04899, John Zona**

Section members reviewed correspondence received from Clifton Strickland, Architect, expressing his displeasure with NCARB policies and financing. The Section members and Ms. Nosbisch addressed Mr. Strickland's comments and concerns.

**Discussion of Correspondence Received from Clifton Strickland, Architect**

Mr. Fauber explained that NCARB is financed entirely by NCARB certificate holders and that the money received from member board annual dues is nominal.

Mr. LeMay stated that as a relatively new board member, he has been impressed with the caliber of the architects that contribute to NCARB and the fact that these professionals donate so much of their time to the organization.

Ms. Nosbisch informed Mr. Strickland that an NCARB Update is on the agenda at every section meeting, meetings are open to the public and minutes are posted reflecting discussions and decisions. In addition, the board newsletter often includes information and updates from NCARB. Ms. Nosbisch also stated that NCARB and the AIA work closely together and are currently in the process of streamlining continuing education requirements.

Mr. Boyd stated that he also has been impressed with the work done by NCARB. The administration and writing of the national exam, administration of IDP, and participation in accreditation programs are just a few of the items that Virginia regulants benefit from. Mr. Boyd stated that NCARB certificate is the ultimate portal in the ability to practice in other states.

Ms. Nosbisch informed the Section that there will be an increase in member

**NCARB Update**

board dues effective July 1, 2013.

Ms. Nosbisch informed the Section of changes to continuing education (CE) in the NCARB Model Law. The recommended standard is 12 hours of CE in health, safety and welfare each calendar year.

Discussion was held on the possibility of changing the number of CE hours required in the APELSCIDLA regulations. Ms. Nosbisch stated that as this would require a change in statute, it would be difficult as the agency is limited as to what they can submit to the legislature. Mr. Dixon stated that the administration is interested issues of government reform and restructuring for consideration by the General Assembly.

Ms. Nosbisch read a resolution that was presented to board member, Ebo Fauber, at the NCARB Annual meeting in June, for his service to NCARB.

*J. Everette “Ebo” Fauber III, AIA, NCARB*

*Whereas, Ebo Fauber has been a valuable volunteer for the Virginia Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects and the Council Board of Directors;*

*And Whereas, Ebo has been a dedicated member and chair of the Committee on Professional Conduct for several years, and has also lent his perspective and charm to the Committee on Examination and Practice Education Committee;*

*And Whereas, Ebo has brightened literally every room he has entered with his delightful presence, infectious smile, and distinctive wardrobe;*

*Now Therefore Be It Resolved that the National Council of Architectural Registration Boards wishes to express its deepest appreciation to Ebo Fauber for his invaluable contributions to the Council, its mission, and the architectural profession.*

Mr. Boyd advised the Section that he was recently appointed to the NCARB Practice Education Committee.

Discussion was held on the use of the term “Architect” used in the Department of Human Resource Management (DHRM) job descriptions. Mr. Boyd stated that the Board should be in discussion with DHRM and their use of the term. Further discussion was held regarding §54.1-402.1, 406.C, and 406.D of the Code regarding the use of the term “architect” along with its implications for state agencies such as DHRM.

**Discussion of the  
Term “Architect”  
Used in DHRM  
Job Descriptions**

Mr. Boyd and Ms. Finn, Certified Interior Designer Section member, will be meeting to draft a letter to DHRM regarding the use of the term ‘architect’ in its job descriptions and classifications.

Discussion resumed on the issue of board members becoming more involved in complaints alleging unlicensed architectural practice. Mr. Boyd stated that he will be meeting with Mr. Christner and Mr. Courtney to discuss the possibility of board members being involved in the process. A date for the meeting has not yet been determined.

**Other Business**

Conflict of Interest forms were completed by all members present.

**Conflict of  
Interest Forms**

There being no further business, the meeting was adjourned at 11:15 a.m.

**Adjourn**

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James R. Boyd, Chair

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Gordon N. Dixon, Secretary